

FEDERAL COMMUNICATIONS COMMISSION DOCKET FILE COPY ORIGINAL
Washington, D. C. 20554
JAN 14 1999

OFFICE OF
MANAGING DIRECTOR

Larry D. Perry, Esquire
11464 Saga Lane
Knoxville, TN 37931-2819

Re: Request for Reduction of Regulatory
Fee
Radio Station WJBZ
Fee Control # 9808318835339013
Fee Paid: \$300

Dear Mr. Perry:

This is in response to the request for reduction of the regulatory fee filed by Seymour Communications (Seymour), license of AM Radio Station WJBZ, Knoxville, Tennessee. Seymour argues that it recently purchased the station from Dick Broadcasting Company (Dick), that the station had been operating with financial losses for a number of years, and that the expenses exceeded the income by over \$60,000 for the first 6 months of 1998. Seymour submitted a fee payment of \$300, asserting that it could not afford the \$2,000 fee assessed for an AM Station serving the Knoxville market. In support of its request, Seymour submitted an income statement for Dick, covering the first 6 months of 1998.

Seymour's request will be denied. Seymour, as the licensee on the date that the fees were due, is the party responsible for its payment. In this regard we believe that the negotiations between the parties for transfer of the facilities should have included consideration of expenses related to payment of the regulatory fees. Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 46 n. 14 (1994). As a prerequisite to the grant of the assignment application, Seymour was required to certify that it had sufficient funds to operate the station for three months without income. Financial Qualifications, 69 FCC 2d 407 (1978). Because the regulatory fees are part of the operational expenses for operating broadcast stations, the certification of financial qualifications included a commitment to pay the regulatory fees. Thus, while the WJBZ may not be operating at a profit, the lack of adequate income during the first three months of broadcast operation, does not establish a compelling case of financial hardship which would warrant a waiver of the regulatory fee.

Larry D. Perry, Esquire

2.

Seymour is assessed a FY 1998 regulatory fee of \$2,000 for Radio Station WJBZ. Crediting the partial payment \$300, payment of the outstanding balance \$1700, should be submitted, together with a completed Form FCC 159 (copy enclosed), within 15 days from the date of this letter.

If you have any further questions concerning payment of the regulatory fee, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

98081205231413



Larry D. Perry

11464 Saga Lane • Knoxville, TN 37931-2819 • Telephone (423) 927-8474 • Fax (423) 927-4912

August 13, 1998

Secretary
Federal Communications Commission
Washington, D.C. 20554

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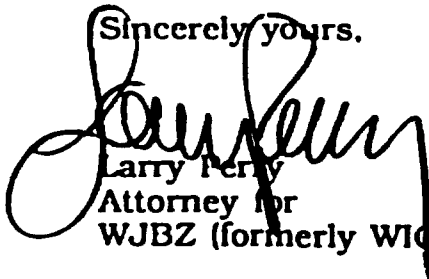
**RE: WIOL (AM)--KNOXVILLE, TENNESSEE--REGULATORY FEE WAIVER
REQUEST**

Good Morning:

Enclosed please FCC Form 159 and a check in the amount of \$300 herewith filed on behalf of Seymour Communications licensee of AM broadcast station WJBZ (AM)(formerly WIOL) located in Knoxville, Tennessee. Note that the \$300 amount and the attached form includes a Waiver of Regulatory Fee request.

Should you have any questions concerning this matter, please don't hesitate to contact this office.

Sincerely yours,



Larry Perry
Attorney for
WJBZ (formerly WIOL)

cc: Rev. J.B. Mull

LP/cb

REGULATORY FEE WAIVER REQUEST

WJBZ (AM) (Formerly WIOL)

August 13, 1998

Secretary
Federal Communications Commission
Washington, D.C.

Dear Madam:

We recently purchased the assets of WIOL at a more or less distress sale from Dick Broadcasting Company. WIOL has operated at a substantial loss for the past several years and cannot sustain the operating expenses currently incurred. The closing of the sale was just completed and we are going to try to operate WJBZ am (formerly WIOL) with our FM station WJBZ-FM in an effort to break even.

The station is operated in the Public Interest with a large portion of its broadcast time being devoted to Public Service Announcements and Public Affairs programs.

The total revenue last year and through June of this year 1998 was around \$131,00 but the expenses of operation were considerably more. This resulted in a net loss of station operations of \$60,494.84 as shown on the attached financial statement for WIOL.

We want to pay our fair share of the regulatory fee, but we simply can't afford a large fee as set forth in the Regulatory letter of \$2,000. Therefore, we are paying the best we can at the present, \$300 along with this request. I hope that we can bring the station into a profitable operation in the next year but need some help at the present in order to keep the station from going dark. We have put all our resources into keeping the station on the air and respectfully request that the Commission accept this waiver for the fees this year.

In any event, I would appreciate your consideration for this waiver request and I will be happy to answer any question that you or your staff may have.

Thank you for your time and consideration.

Sincerely yours,
SEYMOUR COMMUNICATIONS

Elizabeth Mull
Elizabeth Mull, Pres.